

BILL ANALYSIS

Senate Research Center
83R6596 KKA-D

S.B. 1403
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Education
3/28/2013
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The impact of good teachers on a student's academic progress is generally agreed upon as one of the most significant factors in the outcome of a student's academic success. S.B. 1403 seeks to increase the overall support and quality of teachers.

S.B. 1403 aims to enhance the requirements for teacher preparation programs by increasing academic standards for admission into teacher certification programs and expanding the overall quality of the content of the teacher certification programs.

The bill is designed to enhance teacher feedback and evaluations by providing a framework for effective performance evaluations of teachers. The intent of the proposed evaluation framework is to create a high-quality evaluation system which may be used as a development tool to improve overall teacher quality and performance in the classroom. The bill also incorporates auditing professional development programs to ensure teachers are supported and developed throughout their careers.

S.B. 1403 seeks to increase overall compensation of teachers by providing a state minimum level of compensation for all teachers, eliminating the pay grade schedule, and increasing performance incentives. The bill provides districts with a teacher allotment if they meet a certain criteria.

This bill is intended to increase the overall standards in the teaching profession. Additionally, the bill is designed to increase overall teacher compensation and create a more effective evaluation system to give teachers feedback which would increase overall student success.

As proposed, S.B. 1403 amends current law relating to public school teachers.

RULEMAKING AUTHORITY

Rulemaking authority previously granted to the State Board for Educator Certification is modified in SECTION 1 (Section 21.044, Education Code), SECTION 2 (Section 21.048, Education Code), and SECTION 3 (Section 21.049, Education Code) of this bill.

Rulemaking authority previously granted to commissioner of education (commissioner) is rescinded in SECTION 7 (Sections 21.402, Education Code) of this bill.

Rulemaking authority previously granted to the commissioner is modified in SECTION 7 (Sections 21.402, Education Code) and SECTION 15 (Section 21.458, Education Code) of this bill.

Rulemaking authority is expressly granted to the commissioner in SECTION 8 (Section 21.4031, Education Code) and SECTION 18 (Section 42.162, Education Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Reenacts Section 21.044, Education Code, as amended by Chapters 635 (S.B. 866) and 926 (S.B. 1620), Acts of the 82nd Legislature, Regular Session, 2011, and amends it as follows:

Sec. 21.044. EDUCATOR PREPARATION. (a)-(c) Makes no changes to these subsections.

(d) Creates this subsection from text of existing Subsection (b). Makes no further change.

(e) Requires that each educator preparation program provide information regarding:

(1) the skills that educators are required to possess, the responsibilities that educators are required to accept, and the high expectations for students in this state;

(2) the effect of supply and demand forces on the educator workforce in this state;

(3) the performance over time of the educator preparation program;

(4) the importance of building strong classroom management skills; and

(5) the framework in this state for teacher and principal evaluation, including the procedures followed in accordance with Subchapter H (Appraisals and Incentives).

SECTION 2. Amends Section 21.048, Education Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Requires the State Board for Educator Certification (SBEC) to determine the satisfactory level of performance required for each certification examination. Requires SBEC, for the issuance of a generalist certificate, to require a satisfactory level of examination performance in each core subject covered by the examination.

(a-1) Prohibits SBEC from requiring that more than 45 days elapse before a person is authorized to retake an examination.

SECTION 3. Amends Section 21.049, Education Code, by adding Subsection (a-1), as follows:

(a-1) Requires that rules proposed by SBEC provide that a person is not eligible for admission to an alternative educator preparation program unless the person:

(1) satisfies minimum grade point average requirements prescribed by SBEC and equivalent to the requirements applicable to admission to a traditional educator preparation program; and

(2) has completed at least 18 credit hours, or a greater amount as prescribed by SBEC, in the subject area for which the person seeks certification.

SECTION 4. Amends Section 21.351, Education Code, as follows:

Sec. 21.351. New heading: RECOMMENDED APPRAISAL FRAMEWORK, PROCESSES, AND PERFORMANCE CRITERIA. (a) Requires the commissioner of education (commissioner) to adopt a recommended appraisal framework for evaluating the performance of teachers. Requires that the framework:

(1) include standards for teaching practice, context for teacher evaluations, and teacher-evaluation components and process;

(2) identify the required elements for any teacher evaluation system used in this state;

(3) be grounded on the principle that the primary goal of a high-quality evaluation system is to assess and improve teaching and learning, resulting in higher student performance; and

(4) require evaluations to be based on multiple measures within each component that are easily understood, transparent, job-related, and observable.

Deletes existing text requiring the commissioner to adopt a recommended appraisal process and criteria on which to appraise the performance of teachers. Deletes existing text requiring that the criteria be based on observable, job-related behavior, including teachers' implementation of discipline management procedures, and the performance of teachers' students.

(a-1) Requires the commissioner, in a manner consistent with the framework required under Subsection (a), to develop a variety of recommended appraisal processes and performance criteria.

(b) Requires the commissioner to solicit and consider the advice of teachers in developing the recommended appraisal framework, processes, and performance criteria, rather than in developing the recommended appraisal process and performance criteria.

(c)-(d) Makes conforming changes.

SECTION 5. Amends Section 21.352, Education Code, by amending Subsections (a) and (c) and adding Subsections (c-1), (c-2), (e), and (f), as follows:

(a) Requires each school district, in appraising teachers, to use:

(1) an appraisal process and performance criteria recommended by the commissioner, rather than developed by the commissioner; or

(2) an appraisal process and performance criteria that, in addition to other requirements, contains the elements identified under Section 21.351(a)(2) and multiple measures within each component of evaluation, rather than the items described by Sections 21.351(a)(1) and (2).

Makes a conforming change.

(c) Authorizes an experienced teacher, rather than a teacher, to be appraised less frequently if the teacher agrees in writing and the teacher's most recent evaluation rated the teacher as at least proficient, or the equivalent, and did not identify any area of deficiency. Requires an experienced teacher, rather than a teacher, who is appraised less frequently than annually to be appraised at least once during each period of five school years. Entitles each teacher to receive a written copy of the evaluation of the teacher's performance promptly on its completion.

(c-1) Requires a school district, in addition to conducting a complete appraisal as frequently as required by Subsection (c), to require that appropriate components of the appraisal process, such as classroom observations and walk-throughs, occur more frequently as necessary to ensure that a teacher receives adequate evaluation and guidance. Requires a school district to give priority to conducting appropriate components more frequently for inexperienced teachers or experienced teachers with identified areas of deficiency.

(c-2) Requires the board of trustees of a school district to adopt a policy regarding the number of years that a teacher is required to have provided instruction to students to be considered an experienced teacher for purposes of Subsections (c) and (c-1).

(e) Requires a district to use a teacher's consecutive appraisals from more than one year, if available, in making the district's employment decisions and developing career recommendations for the teacher.

(f) Requires the district to notify a teacher of the results of any appraisal of the teacher in a timely manner so that the appraisal may be used as a developmental tool by the district and the teacher to improve the overall performance of the teacher.

SECTION 6. Amends the heading to Section 21.402, Education Code, to read as follows:

Sec. 21.402. MINIMUM SALARY FOR CERTAIN PROFESSIONAL STAFF.

SECTION 7. Amends Sections 21.402(a), (b), (c), and (g), Education Code, as follows:

(a) Requires a school district to pay each classroom teacher, full-time librarian, full-time counselor certified under Subchapter B (Certification of Educators), or full-time school nurse not less than \$41,000 annually. Deletes existing text requiring a school district, except as provided by Subsection (f) (relating to entitling a teacher or librarian who received a certain career ladder supplement to at least the same gross monthly salary as the teacher or librarian received for the following school year under certain circumstances), to pay each classroom teacher, full-time librarian, full-time counselor certified under Subchapter B, or full-time school nurse not less than the minimum monthly salary, based on the employee's level of experience in addition to other factors, as determined by commissioner rule, determined by a certain formula. Deletes existing text setting forth the formula for the minimum monthly salary for a classroom teacher, full-time librarian, full-time counselor certified under Subchapter B, or full-time school nurse.

(b) Requires the Texas Education Agency (TEA) to collect information each year from school districts regarding salaries paid to employees entitled to the minimum salary specified in Subsection (a). Requires TEA, based on the information collected, to:

- (1) determine the median salaries of teachers in this state based on grade level and subject matter taught;
- (2) post the median salaries on TEA's Internet website; and
- (3) report the median salaries to members of the legislature.

Deletes existing text requiring the commissioner, not later than June 1 of each year, to determine the basic allotment and resulting monthly salaries to be paid by school districts as provided by Subsection (a).

(c) Requires TEA to analyze the cost of living in each region of this state each year to determine if teacher salaries paid by school districts in a region are comparable to salaries paid in that region to persons engaged in comparable professions. Requires TEA to post the results of the analysis on TEA's Internet website and report the results to members of the legislature. Deletes existing text setting forth salary factors per step.

(g) Authorizes the commissioner to adopt certain rules to govern the application of this section, including a rule that specifies the credentials a person is required to hold to be considered a school nurse, rather than a speech pathologist or school nurse, under this section.

SECTION 8. Amends Section 21.4031, Education Code, by amending Subsections (a) and (c) and adding Subsection (d), as follows:

(a) Deletes existing text defining "salary schedule" in this section and makes nonsubstantive changes.

(c) Requires TEA, if a school district fails to provide an individual's service record as required by Subsection (b) (relating to requiring a school district to provide a copy of an past employee's service record to the school district employing the individual), to, to the extent that information is available to TEA, provide the employing school district with the information, rather than with information sufficient to enable the district to determine proper placement of the individual on the district's salary schedule.

(d) Requires the commissioner to adopt rules for determining the experience as a classroom teacher, librarian, counselor, or nurse for a school district for which an individual is to be given credit for years of service for purposes of a service record. Requires each district to maintain service records in accordance with commissioner rules adopted under this subsection.

SECTION 9. Amends Section 21.410(1), Education Code, to change a reference to minimum monthly salary to minimum salary.

SECTION 10. Amends Section 21.411(1), Education Code, to make a conforming change.

SECTION 11. Amends Section 21.412(1), Education Code, to make a conforming change.

SECTION 12. Amends Section 21.413(1), Education Code, to make a conforming change.

SECTION 13. Amends Subchapter J, Chapter 21, Education Code, by adding Section 21.4513, as follows:

Sec. 21.4513. PROFESSIONAL DEVELOPMENT REQUIREMENTS AUDIT. (a) Requires TEA to periodically conduct an audit of the professional development requirements applicable to educators in this state, including state and federal requirements and requirements imposed by school districts.

(b) Requires TEA, based on audit results, to seek to eliminate conflicting requirements and consolidate duplicative requirements through the following methods, as appropriate:

(1) taking administrative action;

(2) encouraging school districts to make appropriate changes to district policies; or

(3) recommending statutory changes to the legislature.

(b-1) Requires TEA to complete the initial audit required by Subsection (b) not later than August 1, 2014. Provides that this subsection expires September 1, 2014.

(c) Requires TEA to provide guidance to school districts regarding high-quality professional development and the outcomes expected to result from providing that caliber of professional development.

SECTION 14. Amends Section 21.4551(e), Education Code, to make a conforming change.

SECTION 15. Amends Section 21.458, Education Code, by amending Subsection (c) and adding Subsections (e) and (e-1), as follows:

(c) Requires that funding provided to districts under this section be used for providing for certain obligations, including scheduled release time for mentor teachers and the classroom teachers to whom they are assigned for meeting and engaging in mentoring activities, rather than scheduled time for mentor teachers to provide mentoring to assigned classroom teachers.

(e) Requires the commissioner to report each year to the legislature regarding the effectiveness of school district mentoring programs.

(e-1) Requires the lieutenant governor and speaker of the house of representatives, not later than November 1, 2013, to form an advisory committee to evaluate the implementation of this section and make recommendations for improvement. Requires the committee to develop recommended guidelines that align teacher induction and mentoring activities with expectations for new teachers based on teaching practice standards. Requires TEA to provide administrative support for the committee. Requires the committee to submit a report of its recommendations to the legislature not later than January 1, 2015. Provides that this subsection expires January 31, 2015.

SECTION 16. Amends Section 22.107(a), Education Code, to require a school district to pay each full-time district employee, other than an administrator or an employee entitled to the minimum salary, rather than an employee subject to the minimum salary schedule, under Section 21.402, an amount at least equal to \$500.

SECTION 17. Amends Section 30.102(b), Education Code, to make a conforming change.

SECTION 18. Amends Subchapter C, Chapter 42, Education Code, by adding Section 42.162, as follows:

Sec. 42.162. TEACHER ALLOTMENT. (a) Entitles a school district to an annual allotment of \$_____ for each classroom teacher employed by the district if the district satisfies the requirements of this section.

(b) Requires a school district, to be eligible for an allotment under this section:

(1) to adopt and implement a strategic teacher compensation plan that provides additional compensation to a classroom teacher who meets at least one of the following criteria:

(A) demonstrates effectiveness in improving student achievement, as indicated in the teacher's evaluations;

(B) serves as a mentor for other classroom teachers;

(C) assumes work responsibilities in addition to classroom teacher duties;

(D) teaches in a subject area or position experiencing a critical shortage of teachers, as determined by the commissioner, provided that the teacher is qualified to teach in that subject or position;

(E) teaches at a campus that is among the campuses in the state with the greatest difficulty in hiring or retaining classroom teachers, as determined by the commissioner; or

(F) is determined by the district to meet specific local market needs;

(2) to dedicate a percentage, as specified by the commissioner, of the district's total state and local funding under this chapter each year to classroom teacher compensation, with a portion of that amount, as specified by the commissioner, reserved for additional compensation provided in accordance with the district's strategic teacher compensation plan; and

(3) to ensure that a classroom teacher does not receive less compensation than the amount provided to the teacher before implementation of the strategic teacher compensation system.

(c) Requires the commissioner to adopt rules necessary to implement this section.

SECTION 19. Amends Section 42.2513(a), Education Code, to make conforming changes.

SECTION 20. Amends Section 43.302(a), Education Code, as follows:

(a) Sets forth the formula to determine the amount of state support for each school district. Redefines "WADA" to mean the number of students in weighted average daily attendance, which is calculated by dividing the sum of the school district's allotments under Subchapters B (Basic Entitlement) and C (Special Allotments), less any allotment to the district for transportation, any allotment under Section 42.158 (New Instructional Facility Allotment), 42.160 (High School Allotment), or 42.161, and 50 percent of the adjustment under Section 42.102 (Cost of Education Adjustment), by the basic allotment for the applicable year.

SECTION 21. Amends Section 823.404(a), Government Code, to authorize an eligible member to establish equivalent membership service credit for one or two years of work experience if the work experience was required for certification under Chapter 21 (Educators), Education Code, in a career or technological field, rather than one or two years of work experience for which the member is entitled to salary step credit under Section 21.403(b) (relating to entitling a certified career and technology education teacher to salary step credit under certain circumstances), Education Code.

SECTION 22. (a) Repealers: Sections 21.402(c-1) (relating to requiring each school district to pay a monthly salary to certain employees), (f) (relating to entitling a teacher or librarian who received a certain career ladder supplement to at least the same gross monthly salary as the teacher or librarian received for the following school year under certain circumstances), and (h) (relating to defining "gross monthly salary" in this section) and 21.403 (Placement on Minimum Salary Schedule), Education Code.

(b) Repealer: Section 57.05 (relating to setting forth the formula to determine the monthly salary of certain school district employees), Chapter 4 (S.B. 1), Acts of the 82nd Legislature, 1st Called Session, 2011, which amended Section 21.402, Education Code, effective September 1, 2017, by amending Subsection (a) and adding Subsection (e-1).

SECTION 23. Requires TEA, SBEC, and the Texas Higher Education Coordinating Board, not later than September 1, 2014, to jointly review existing standards that are applicable to educator preparation programs, including alternative educator certification programs, and develop and implement modifications necessary to reflect updated standards for the teaching profession.

SECTION 24. (a) Requires TEA, subject to the availability of funds appropriated for the purpose, to conduct a statewide survey of working conditions for public school teachers.

(b) Requires that the survey seek information regarding factors that affect the quality of teacher working conditions, such as demands on a teacher's time during the school day and at other times, campus and district leadership, support for new teachers, professional development opportunities and requirements, opportunities for teacher leadership and collaboration, resources for teachers, and the adequacy of available facilities.

(c) Requires TEA, in designing the survey, to:

(1) evaluate the teacher working conditions survey conducted in North Carolina and incorporate any elements in that survey that TEA considers appropriate for use in this state; and

(2) seek to produce a survey that can be used as a resource by a school district in improving the district's instructional environment and in evaluating and setting standards for principals and superintendents.

(d) Prohibits a teacher from being required to participate in the survey.

(e) Provides that to encourage the uninhibited participation of teachers:

(1) the survey is required to be designed to prevent the disclosure of the identity of a survey participant; and

(2) survey results are prohibited from being released to the public.

(f) Requires TEA to complete the survey not later than September 1, 2014.

SECTION 25. Provides that Section 21.402, Education Code, as amended by this Act, does not affect the entitlement of a person to a greater salary for the 2013-2014 school year or a subsequent school year under a contract entered into before the effective date of this Act.

SECTION 26. Provides that this Act, to the extent of any conflict, prevails over another Act of the 83rd Legislature, Regular Session, 2013, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 27. Effective date: September 1, 2013.